

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WARREN EASTERLING,	:	
Plaintiff,	:	
v.	:	Case No. 3:14-cv-217
JUDGE MARY DONOVAN, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #7);
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #8);
DISMISSING CASE WITHOUT PREJUDICE FOR WANT OF
PROSECUTION; JUDGMENT TO ENTER IN FAVOR OF DEFENDANTS
AND AGAINST PLAINTIFF; TERMINATION ENTRY

On March 1, 2015, United States Magistrate Judge Michael R. Merz issued a notation order denying as moot Plaintiff's Motion for Leave to Proceed *in forma pauperis*. Doc. #1. A copy of the notation order was mailed to Plaintiff at the address listed on the docket. As Magistrate Judge Merz noted in his June 8, 2015, Report and Recommendation, Doc. #7, Plaintiff has never objected to that notation order or paid the requisite filing fee. Magistrate Judge Merz therefore recommended that the case be dismissed without prejudice for want of prosecution.

On the same date the Report and Recommendation was issued, Plaintiff filed a document entitled "Plaintiff's: Filing of Objections to Doc. #13." Doc. #8. It

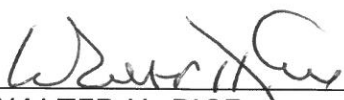
appears, however, that these Objections were intended to be filed not in the above-captioned case, but instead in *Easterling v. Donovan*, Case No. 3:14-cv-130. Notably: (1) at this stage of the litigation, there no "Doc. #13" in Case No. 3:14-cv-217; (2) the content of Plaintiff's Objections is completely non-responsive to the June 8, 2015, Report and Recommendations, in Case No. 3:14-cv-217; and (3) Plaintiff did, in fact, file the identical document in Case No. 3:14-cv-130, on that same date. Accordingly, Plaintiff's Objections, Doc. #8, which appear to have been filed by mistake in the above-captioned case, are OVERRULED.

The Court ADOPTS Magistrate Judge Merz's June 8, 2015, Report and Recommendations, Doc. #7, and DISMISSES the case WITHOUT PREJUDICE for want of prosecution.

Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 31, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE